

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR. and  
ROSLYN WOODARD SMITH,  
Individually and as Administrators of  
The ESTATE OF HARRY SMITH, III,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

JOHN CIRITELLA, in his individual capacity  
and in his official capacity as a police officer of  
the Wilmington Police Department,

THOMAS DEMPSEY, in his individual capacity  
and in his official capacity as a police officer of  
the Wilmington Police Department, and

MATTHEW KURTEN, in his individual capacity  
and in his official capacity as a police officer of  
the Wilmington Police Department,

Defendants.

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**PLAINTIFFS' MOTION FOR A NEW TRIAL**

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Come now the Plaintiffs, by their attorneys, and move this honorable Court for an order granting them a new trial, altering or amending the judgment, and/or granting them judgment notwithstanding the jury verdict because: 1) the jury did not follow the law given to it by the Court because its verdict is not supported by the evidence presented at trial; and 2) the jury verdict was published in a local newspaper prior to being announced in open court.

Plaintiffs' brief in support of this motion is attached hereto.

Dated this 27th day of April 2007.

Respectfully submitted,

Plaintiff's Attorneys

s/ Anne T. Sulton

Anne T. Sulton

Appearing Pro Hac

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2007, I electronically filed with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Attorney John Parkins E-mail [Parkins@rlf.com](mailto:Parkins@rlf.com)

/s/ Anne T. Sulton

Anne T. Sulton